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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 RICKY M. ARNTSEN,

9 Plaintiff,

10 v.

11 STATE OF WASHINGTON, et al.,

12 Defendants.

CASE NO. 3:24-CV-5511-BHS-DWC

ORDER DIRECTING SERVICE OF
CIVIL RIGHTS COMPLAINT

13 This is a civil rights action brought pursuant to 42 U.S.C. § 1983. Plaintiff is proceeding
14 with this action *pro se* and *in forma pauperis*. Plaintiff is currently incarcerated at the Stafford
15 Creek Corrections Center and is subject to the Court's Prisoner E-Filing Initiative pursuant to
16 General Order 06-16. The Court, having granted Plaintiff's request to serve the defendants,
17 hereby **ORDERS** as follows:

18 (1) Service by Clerk

19 The Clerk is directed to send the following to Defendants Danielle Armbruster, Jason
20 Bennett, Jeri Boe, Clallam Bay Corrections Center, Paul Clark, Patrick Collecchi, Department of
21 Corrections - SCCC, J Scott Edwards, Shane L Evans, Ron Haynes, Linda M Ineman, Jay
22 Jackson, Annikaa Mizin, Steven Sinclair, Stafford Creek Corrections Center, State of
23 Washington, Cheryl Strange, Rhonda Stump, and Jeff Tatro by e-mail: a copy of the complaint,

1 a copy of this Order, a copy of the notice of lawsuit and request for waiver of service of
2 summons, and a waiver of service of summons.

3 The Clerk is also directed to send the following to Defendants Byd Surgical Masks
4 Manufacturer and Honeywell Surgical Masks Manufacturer by first class mail: a copy of
5 plaintiff's complaint, a copy of this Order, two copies of the notice of lawsuit and request for
6 waiver of service of summons, a waiver of service of summons, and a return envelope, postage
7 prepaid, addressed to the Clerk's Office.

8 (2) Response Required

9 Defendant(s) shall have **thirty (30) days** within which to return the enclosed waiver of
10 service of summons. A defendant who timely returns the signed waiver shall have **sixty (60)**
11 **days** after the date designated on the notice of lawsuit to file and serve an answer to the
12 complaint or a motion permitted under Rule 12 of the Federal Rules of Civil Procedure.

13 A defendant who fails to timely return the signed waiver will be personally served with a
14 summons and complaint, and may be required to pay the full costs of such service, pursuant to
15 Rule 4(d)(2) of the Federal Rules of Civil Procedure.

16 (3) Filing and Service by Parties, Generally

17 All attorneys admitted to practice before this Court are required to file documents
18 electronically via the Court's CM/ECF system. Counsel are directed to the Court's website,
19 www.wawd.uscourts.gov, for a detailed description of the requirements for filing via CM/ECF.
20 Plaintiff shall file all documents electronically. All filings must indicate in the upper right hand
21 corner the name of the magistrate judge to whom the document is directed.

22 Any document filed with the Court must be accompanied by proof that it has been served
23 upon all parties that have entered a notice of appearance in the underlying matter. Plaintiffs

1 subject to the Court's E-Filing Initiative shall indicate the date the document is submitted for e-
2 filing as the date of service.

3 (4) Non-State Defendants

4 As a registered user of the Court's electronic filing system, you must accept electronic
5 service of all court filings (**except** original service of a complaint) by prisoner litigants housed at
6 facilities actively engaged in the Prisoner E-Filing Initiative. Prisoner litigants incarcerated at
7 facilities actively engaged in the Prisoner E-Filing Initiative are no longer required to serve their
8 court filings on the Court or defendants by mail. Service by mail of your court filings to prison
9 litigants housed in facilities actively engaged in the Prisoner E-Filing Initiative is also no longer
10 required.

11 (5) Motions, Generally

12 Any request for court action shall be set forth in a motion, properly filed and served.
13 Pursuant to LCR 7(b), any argument being offered in support of a motion shall be submitted as a
14 part of the motion itself and not in a separate document. The motion shall include in its caption
15 (immediately below the title of the motion) a designation of the date the motion is to be noted for
16 consideration upon the Court's motion calendar.

17 Stipulated and agreed motions, motions to file over-length motions or briefs, motions for
18 reconsideration, joint submissions pursuant to the option procedure established in LCR 37(a)(2),
19 motions for default, requests for the clerk to enter default judgment, and motions for the court to
20 enter default judgment where the opposing party has not appeared shall be noted for
21 consideration on the day they are filed. *See* LCR 7(d)(1). All other non-dispositive motions
22 shall be noted for consideration no earlier than 21 days after filing and service of the motion.
23 *See* LCR 7(d)(3). All dispositive motions shall be noted for consideration no earlier than 28 days

1 after filing and service of the motion. *Id.*

2 For electronic filers, all briefs and affidavits in opposition to either a dispositive or non-
3 dispositive motion shall be filed and served not later than 11:59 p.m. on the Monday
4 immediately preceding the date designated for consideration of the motion.

5 The party making the motion may electronically file and serve not later than 11:59 p.m.
6 on the date designated for consideration of the motion, a reply to the opposing party's briefs and
7 affidavits.

8 (6) Motions to Dismiss and Motions for Summary Judgment

9 Parties filing motions to dismiss pursuant to Rule 12 of the Federal Rules of Civil
10 Procedure and motions for summary judgment pursuant to Rule 56 of the Federal Rules of Civil
11 Procedure should acquaint themselves with those rules. As noted above, these motions shall be
12 noted for consideration no earlier than 28 days after filing and service of the motion.

13 Defendants filing motions to dismiss based on a failure to exhaust or motions for
14 summary judgement are advised that they MUST serve a *Rand* notice concurrently with motions
15 to dismiss based on a failure to exhaust and motions for summary judgment so that *pro se*
16 prisoner plaintiffs will have fair, timely and adequate notice of what is required of them in order
17 to oppose those motions. *Woods v. Carey*, 684 F.3d 934, 941 (9th Cir. 2012). The Ninth Circuit
18 has set forth model language for such notices:

19 A motion for summary judgment under Rule 56 of the Federal Rules of Civil
20 Procedure will, if granted, end your case.

21 Rule 56 tells you what you must do in order to oppose a motion for summary
22 judgment. Generally, summary judgment must be granted when there is no genuine
23 issue of material fact – that is, if there is no real dispute about any fact that would
affect the result of your case, the party who asked for summary judgment is entitled
to judgment as a matter of law, which will end your case. When a party you are
suing makes a motion for summary judgment that is properly supported by

1 declarations (or other sworn testimony), you cannot simply rely on what your
2 complaint says. Instead, **you must set out specific facts in declarations,**
depositions, answers to interrogatories, or authenticated documents, as
provided in Rule 56(e), that contradict the facts shown in the defendant's
declarations and documents and show that there is a genuine issue of material
fact for trial. If you do not submit your own evidence in opposition, summary
judgment, if appropriate, may be entered against you. If summary judgment
is granted, your case will be dismissed and there will be no trial.

5 *Rand v. Rowland*, 154 F.3d 952, 963 (9th Cir. 1998) (emphasis added).

6 Defendants who fail to file and serve the required *Rand* notice on plaintiff may have their
7 motion stricken from the Court's calendar with leave to re-file.

8 (7) Direct Communications with District Judge or Magistrate Judge

9 No direct communication is to take place with the District Judge or Magistrate Judge with
10 regard to this case. All relevant information and papers are to be directed to the Clerk.

11 (8) The Clerk is directed to send copies of this Order and of the Court's *pro se*
12 instruction sheet to plaintiff.

13 Dated this 1st day of August, 2024.

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17 David W. Christel
18 United States Magistrate Judge
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